

# COMMITTEE REPORT

## MADAM PRESIDENT:

**The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1241, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1           Page 8, between lines 5 and 6, begin a new paragraph and insert:  
2           "SECTION 6. IC 25-22.5-8-6 IS ADDED TO THE INDIANA  
3           CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4           [EFFECTIVE JULY 1, 2007]: **Sec. 6. The board may discipline a**  
5           **physician who knowingly or intentionally fails to comply with the**  
6           **requirements of IC 25-27.5-5-2."**  
7           Page 9, line 12, delete "not more than:" and insert "**either:**  
8                       **(i) in the county of, or a contiguous county to, the onsite**  
9                       **location in which services are rendered or tasks are**  
10                      **performed by the physician assistant; or**  
11                      **(ii) the physician or physician assistant is practicing at a**  
12                      **hospital or health facility, or traveling to or from the**  
13                      **hospital or health facility."**  
14           Page 9, delete lines 13 through 20.  
15           Page 10, line 1, after "committee," insert "**and upon the advice and**  
16           **consent of the executive director of the Indiana professional**  
17           **licensing agency,"**  
18           Page 10, line 7, delete "A" and insert "**An affirmative vote of a**  
19           **majority of the members appointed to the committee"**.  
20           Page 10, line 8, delete "quorum".

- 1 Page 12, line 22, after "committee" insert "**or the committee's**  
2 **designee**".
- 3 Page 12, line 23, after "extend" insert "**the term of**".
- 4 Page 12, line 23, delete "at the discretion of and on the" and insert  
5 "**if the committee or the committee's designee determines that there**  
6 **is good cause for the extension.**".
- 7 Page 12, delete lines 24 through 25.
- 8 Page 12, line 31, delete "and returns the individual's wallet license  
9 and wall license".
- 10 Page 12, line 32, delete "issued under this article to the committee".
- 11 Page 12, line 33, after "status." insert "**The renewal fee for an**  
12 **inactive license is one-half (1/2) of the renewal fee to maintain an**  
13 **active license. If a physician assistant with an inactive license**  
14 **determines to activate the license, the physician assistant shall pay**  
15 **the renewal fee less any the amount paid for the inactive license.**".
- 16 Page 13, between lines 17 and 18, begin a new paragraph and insert:  
17 "SECTION 22. IC 25-27.5-4-9 IS ADDED TO THE INDIANA  
18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 2007]: **Sec. 9. (a) An individual who:**  
20 **(1) is licensed under this chapter; and**  
21 **(2) does not practice as a physician assistant under a**  
22 **supervising physician;**  
23 **shall notify the committee in writing that the individual does not**  
24 **have a supervising physician.**
- 25 **(b) If an individual who is certified under this chapter does not**  
26 **practice as a physician assistant under a supervising physician, the**  
27 **board shall place the individual's certificate on inactive status.**
- 28 **(c) An individual may reinstate a certificate that is placed on**  
29 **inactive status under this section if the individual:**  
30 **(1) submits a written application to the committee requesting**  
31 **that the certificate be placed on active status; and**  
32 **(2) provides information as required by the committee**  
33 **concerning the physician who will be supervising the**  
34 **individual.**".
- 35 Page 13, line 23, delete "assistant of" and insert "**assistant,**  
36 **including**".
- 37 Page 13, line 29, after "2." insert "**(a)**".

1 Page 13, line 29, after "2." insert "(a)".

2 Page 13, between lines 36 and 37, begin a new paragraph and insert:

3 **"(b) If a physician assistant determines that a patient needs to**  
4 **be examined by a physician, the physician assistant shall**  
5 **immediately notify the supervising physician or physician designee.**

6 **(c) If a physician assistant notifies the supervising physician that**  
7 **the physician should examine a patient, the supervising physician**  
8 **shall:**

9 **(1) schedule an examination of the patient in a timely manner**  
10 **unless the patient declines; or**

11 **(2) arrange for another physician to examine the patient.**

12 **(d) If a patient is subsequently examined by the supervising**  
13 **physician or another physician because of circumstances described**  
14 **in subsection (b) or (c), the patient may not be charged for more**  
15 **than one (1) visit.**

16 **(e) A supervising physician or physician assistant who does not**  
17 **comply with subsections (b) through (d) is subject to discipline by**  
18 **the medical licensing board under IC 25-22.5-8-6.**

19 **(f) A physician assistant's supervisory agreement with a**  
20 **supervising physician must:**

21 **(1) be in writing;**

22 **(2) include all the tasks delegated to the physician assistant by**  
23 **the supervising physician;**

24 **(3) set forth the supervisory plans for the physician assistant,**  
25 **including the emergency procedures that the physician**  
26 **assistant must follow; and**

27 **(4) specify the name of the drug or drug classification being**  
28 **delegated to the physician assistant and the protocol the**  
29 **physician assistant shall follow in prescribing a drug.**

30 **(g) The physician shall submit the supervisory agreement to the**  
31 **board for approval. The physician assistant may not prescribe a**  
32 **drug under the supervisory agreement until the board approves**  
33 **the supervisory agreement. Any amendment to the supervisory**  
34 **agreement must be resubmitted to the board for approval, and the**  
35 **physician assistant may not operate under any new prescriptive**  
36 **authority under the amended supervisory agreement until the**  
37 **agreement has been approved by the board.**

38 **(h) A physician or a physician assistant who violates the**

1 **supervisory agreement described in this section may be disciplined**  
 2 **by the board."**

3 Page 14, line 7, after "physician." insert "**A physician assistant**  
 4 **may not prescribe or dispense the following drugs:**

5 (1) **A schedule I substance listed in IC 35-48-2-4.**

6 (2) **A schedule II substance listed in IC 35-48-2-6.**

7 (3) **A schedule III, schedule IV, or schedule V drug if the drug**  
 8 **contains oxycodone.**

9 **However, a physician assistant may prescribe a four (4) hour**  
 10 **prescription of a drug listed in subdivisions (1) through (3) if the**  
 11 **patient is in an inpatient hospital setting and the physician is**  
 12 **unavailable to make the prescription."**

13 Page 14, line 21, delete "sedation/analgesia." and insert "**sedation**  
 14 **as defined by the board."**

15 Page 14, line 22, delete "sedation/analgesia" and insert "**sedation:**  
 16 **(1) if the moderate sedation contains agents in which the**  
 17 **manufacturer's general warning advises that the drug should**  
 18 **be administered and monitored by an individual who is:**

19 **(A) experienced in the use of general anesthesia; and**

20 **(B) not conducting the surgical or diagnostic procedure;**  
 21 **and**

22 **(2)".**

23 Page 14, line 25, delete "(1)", begin a new line double block  
 24 indented and insert:

25 **"(A)".**

26 Page 14, line 28, delete "sedation/analgesia." and insert "**sedation."**

27 Page 14, line 29, delete "(2)", begin a new line double block  
 28 indented and insert:

29 **"(B)".**

30 Page 14, line 30, delete "sedation/analgesia" and insert "**sedation"**.

31 Page 14, line 33, delete "(A)", begin a new line triple block indented  
 32 and insert:

33 **"(i)".**

34 Page 14, line 35, delete "(B)", begin a new line triple block indented  
 35 and insert:

36 **"(ii)".**

37 Page 14, line 36, delete "sedation/analgesia," and insert "**sedation,"**

38 Page 15, line 24, delete "." and insert "**, including:**

- 1           **(1) the name of the drug or drug classification being delegated**
- 2           **by the supervising physician; and**
- 3           **(2) the protocols the physician assistant shall use when**
- 4           **prescribing the drug."**
- 5           Page 15, line 42, after "(a)" insert "**, and in accordance with the**
- 6           **limitations specified in section 4(c) of this chapter,"**.
- 7           Page 16, line 15, delete "that" and insert "**that:**
- 8           **(1)"**.
- 9           Page 16, line 17, delete "designee." and insert "**designee;**
- 10           **(2) is in an amount not to exceed:**
- 11           **(A) a seven (7) day prescription of the drug; or**
- 12           **(B) if the drug cannot be dispensed in as small of an**
- 13           **amount as the amount described in clause (A), the smallest**
- 14           **dispensable amount; and**
- 15           **(3) is in accordance with the limitations set forth in section**
- 16           **4(c) of this chapter."**
- 17           Page 16, after line 39, begin a new paragraph and insert:
- 18           "**SECTION 30. [EFFECTIVE UPON PASSAGE] (a) The medical**
- 19           **licensing board shall, not later than September 1, 2007, define the**
- 20           **following terms:**
- 21           **(1) General anesthesia.**
- 22           **(2) Regional anesthesia.**
- 23           **(3) Moderate sedation.**
- 24           **(4) Deep sedation.**
- 25           **(b) A physician assistant may not perform moderate sedation in**
- 26           **the manner allowed under IC 25-27.5-5-4(f) until the medical**
- 27           **licensing board has defined the required terms under subsection**
- 28           **(a).**

- 1       **(c) This SECTION expires December 31, 2007.**
- 2       **SECTION 31. An emergency is declared for this act."**
- 3       Renumber all SECTIONS consecutively.  
      (Reference is to HB 1241 as printed February 14, 2007.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 8, Nays 0.

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**Miller**

**Chairperson**